

ORIGINALIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONFILED
AUG 20 2012CLERK, U.S. DISTRICT COURT
By *[Signature]*
Deputy

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES EDWARD KEY, JR.,

Defendant,

and

IGNITE HOLDINGS, LTD.,

Garnishee.

SEALED**3-12-CV-3026-L****APPLICATION FOR WRIT OF GARNISHMENT**

The United States of America (United States) applies under 18 U.S.C. § 3613 and 28 U.S.C. §§ 3002, 3202, and 3205 for issuance of a Writ of Garnishment for substantial nonexempt property belonging to or due Defendant Charles Edward Key, Jr. (Key), who is a judgment debtor of the United States, and/or his spouse, Stephanie Holley. This writ is sought in connection with a judgment dated April 12, 2012 for the United States against Key, Jr. in criminal case number 3:11-CR-324-01.

Computation of the debt as of August 14, 2012 is:

\$2,379,576.00 Judgment amount

(\$ 100.00) Credits applied to judgment

\$2,379,476.00 Debt balance

The judgment debtor's full name is Charles Edward Key, Jr., his social security number is ***-**-2495,¹ and last known address is USP Leavenworth, Register No. 33445-077, PO Box 1000, Leavenworth, KS 66048. Not less than 30 days has elapsed since demand on the debtor for payment of the debt was made, and Key has not paid the amount due. The name and address of the garnishee and its authorized agent is:

Ignite Holdings, Ltd. and its affiliates, successors, or assigns
Darrin Pfannenstiel, Registered Agent
1950 N. Stemmons Freeway, Suite 3000-C
Dallas, TX 75207

The United States believes the garnishee and its affiliates, successors, or assigns has possession, custody, or control of substantial nonexempt property belonging to or due Key and/or his spouse, including but not limited to nonexempt disposable earnings. Earnings include wages, salary, commissions, bonuses, and periodic payments from a pension or retirement program. *See 28 U.S.C. § 3002(6).* Disposable earnings are that part of earnings remaining after all deductions required by law have been withheld, such as federal income, Social Security, and Medicare taxes. *See 28 U.S.C. § 3002(5).*

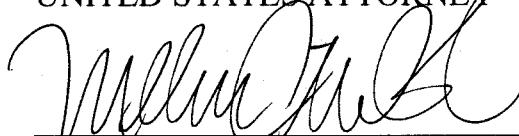
To enforce a judgment, the United States may garnish 25% of nonexempt disposable earnings or the excess of nonexempt disposable earnings over 30 times the

¹Pursuant to the Privacy Act, 5 U.S.C. § 552a and the E-Government Act of 2002, Pub. L. 107-347, the social security number has been redacted to the last four digits to prevent public disclosure. Upon request of the court, the full social security number will be provided *in camera*.

federal minimum hourly wage, whichever is less. *See* 15 U.S.C. § 1673; 28 U.S.C. § 3002(9).

Respectfully submitted,

SARAH R. SALDAÑA
UNITED STATES ATTORNEY



MELISSA A. CHILDS
Assistant United States Attorney
Illinois Bar No. 6273797
1100 Commerce Street
Third Floor
Dallas, TX 75242
Telephone: 214.659.8600
Facsimile: 214.659.8807
Melissa.Childs@usdoj.gov

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

§ **SEALED**

Plaintiff,

§ **3 - 1 2 C V 3 0 2 6 . - L**
§ No. _____

v.

CHARLES EDWARD KEY, JR.,

§

Defendant,

§

and

§

IGNITE HOLDINGS, LTD.,

§

Garnishee.

§

WRIT OF GARNISHMENT

To: Ignite Holdings, Ltd. and its affiliates, successors, or assigns
Darrin Pfannenstiel, Registered Agent
1950 N. Stemmons Freeway, Suite 3000-C
Dallas, TX 75207

An Application for Writ of Garnishment seeking property belonging to or due
Defendant Charles Edward Key, Jr. (Key), who is a judgment debtor of the United States
of America (United States), and/or his spouse, Stephanie Holley, was filed with this
Court.

Computation of the debt as of August 14, 2012 is:

\$2,379,576.00 Judgment amount

(\$ 100.00) Credits applied to judgment

\$2,379,476.00 **Debt balance**

Pending further order of this Court, you shall withhold and retain all property, including disposable earnings, in which Key and/or his spouse has a substantial nonexempt interest and for which you are or may become indebted to Key and/or his spouse. *See* 28 U.S.C. § 3205(c)(2)(F). Do not deliver the property to the United States District Clerk at this time. Instead, withhold and retain the property until the Court orders its distribution. *Id.*

You are required by law to file an answer within ten days of your receipt of this writ advising the Court whether you hold or will hold substantial nonexempt property for Key and/or his spouse, and mail or deliver the original answer to the United States District Clerk, 1100 Commerce Street, Room 1452, Dallas TX 75242; and mail copies to Charles Edward Key, Jr., USP Leavenworth, Register No. 33445-077, PO Box 1000, Leavenworth, KS 66048; Stephanie Holley, 7416 Park Place Drive, North Richland Hills, TX 76182, and Melissa A. Childs, Assistant United States Attorney, 1100 Commerce Street, Third Floor, Dallas, TX 75242. *See* 28 U.S.C. § 3205(c). Additional information is included in the attached Plaintiff's Instructions to Garnishee.

If you fail to answer this writ or withhold property in accordance with this writ, the United States may petition this Court for an order requiring you to appear before this Court to answer this writ and withhold property before the appearance date. *See* 28 U.S.C. § 3205(c)(6). If you fail to answer, or appear and fail to show good cause why

you failed to comply with this writ, the Court shall enter a judgment against you for the value of the substantial nonexempt property, including disposable earnings. *Id.* The Court may award a reasonable attorney's fee to the United States and against you if this writ is not answered by the time specified by law and a petition is filed requiring you to appear. *Id.*

Under 15 U.S.C. § 1674, you are prohibited from discharging Key and/or his spouse from employment by reason of the fact that earnings are subject to garnishment. If you discharge Key and/or his spouse as a result of this garnishment, penalties may result.

Signed this _____ day of _____ 2012.

UNITED STATES DISTRICT CLERK
NORTHERN DISTRICT OF TEXAS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

§ **SEALED**

Plaintiff,

v.

§ **3 - 12 CV 3026 - L**
No. _____

CHARLES EDWARD KEY, JR.,

Defendant,

and

IGNITE HOLDINGS, LTD.,

Garnishee.

§

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT TO DEFENDANT

You are notified, pursuant to 28 U.S.C. § 3202, that your property is being sought by the United States of America (United States), which holds a judgment against you dated April 12, 2012 in criminal case number 3:11-CR-324-01.

Computation of the debt as of August 14, 2012 is:

\$2,379,576.00 Judgment amount

(\$ 100.00) Credits applied to judgment

\$2,379,476.00 Debt balance

Exemptions may protect the property from being taken by the United States if you can show exemptions apply. *See* 18 U.S.C. § 3613. The attached Claim for Exemptions,

Request for Hearing, and/or Request for Transfer contains a summary of the major exemptions that apply.

You have a right to ask the Court to return your property if you think that you do not owe the debt to the government, or if you think the property the government seeks qualifies under an exemption(s).

If you want a hearing, you must notify the Court within 20 days after you receive this notice. Your request must be in writing, and you may use the attached form to request the hearing. You must mail or deliver the original to the United States District Clerk, 1100 Commerce Street, Room 1452, Dallas, TX 75242. You must also mail a copy to Melissa A. Childs, Assistant United States Attorney, 1100 Commerce Street, Third Floor, Dallas, TX 75242, so the government will know you want a hearing.

If you are entitled to a hearing, the hearing will take place within five days after the United States District Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. The Court will issue an order advising you of the time, place, and date of any hearing scheduled.

At the hearing, you may explain to the judge why you believe the property the government seeks is exempt or why you think you do not owe the debt to the government. If you do not request a hearing, your property may be delivered to the United States and applied to the debt you owe.

If you think you live outside the federal judicial district where this Court is located,

you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by this Court to the federal judicial district where you reside. You must make your request in writing, and mail or deliver the original to the United States District Clerk, 1100 Commerce Street, Room 1452, Dallas, TX 75242. You must also mail a copy of the request to Melissa A. Childs, Assistant United States Attorney, 1100 Commerce Street, Third Floor, Dallas TX 75242, so the government will know you want the proceeding to be transferred. You may use the attached form to request a transfer.

Be sure to keep a copy of this notice for your records. If you have any questions about your rights or this procedure, you should contact a lawyer, an office of public legal assistance, or the United States District Clerk. The United States District Clerk is not permitted to give legal advice, but may refer you to other sources of information.

UNITED STATES DISTRICT CLERK
NORTHERN DISTRICT OF TEXAS

Date _____

IGNITE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES EDWARD KEY, JR.,

Defendant,

and

IGNITE HOLDINGS, LTD.,

Garnishee.

SEALED

3-12-CV-3026-L

**CLAIM FOR EXEMPTIONS, REQUEST FOR HEARING,
AND/OR REQUEST FOR TRANSFER**

To complete this form, check the adjacent space(s) to an exemption(s) you are claiming, check the box below to request a hearing, and/or check the box below to request a transfer to another federal judicial district. You must mail or deliver the original of this form to the United States District Clerk and mail a copy to the United States of America, as explained in the attached Clerk's Notice of Post-Judgment Garnishment to Defendant.

See 28 U.S.C. § 3202(b).

- Wearing apparel and school books. 26 U.S.C. § 6334(a)(1).
- Fuel, provisions, furniture, and personal effects that do not exceed \$8,570. 26 U.S.C. § 6334(a)(2) & (g).

- Books and tools of a trade, business, or profession that do not exceed \$4,290. 26 U.S.C. § 6334(a)(3) & (g).
- Unemployment benefits. 26 U.S.C. § 6334(a)(4).
- Undelivered mail. 26 U.S.C. § 6334(a)(5).
- Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, and annuities based on retired or retainer pay. 26 U.S.C. § 6334(a)(6).
- Workmen's compensation. 26 U.S.C. § 6334(a)(7).
- Judgments for support of minor children, pursuant to a court judgment entered prior to the date of levy, to contribute to the support of defendant's minor children. 26 U.S.C. § 6334(a)(8).
- Certain service-connected disability payments. 26 U.S.C. § 6334(a)(10).
- Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(a)(12).

- I am requesting a hearing for the exemptions checked above.
- I am not requesting a hearing for the exemptions checked above.
- I am requesting a transfer to the federal district where I reside in the

_____ (district) of _____ (state).

Charles Edward Key, Jr.

Address: _____

Daytime Telephone: _____

Date: _____

ORIGINAL CIVIL COVER SHEET

Case 3:12-cv-08026-L Document 2 Filed 08/20/12 Page 12 of 12 **RECEIVED**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

SEALED**DEFENDANTS**

Charles Edward Key, Jr.

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

AUG 20 2012

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)(c) Attorney's (Firm Name, Address, and Telephone Number)
Melissa A. Childs, AUSA 214.659.8600
1100 Commerce Street, Third Floor, Dallas, TX 752424-1699

Attorneys (If Known):

3-12CV3026-L

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

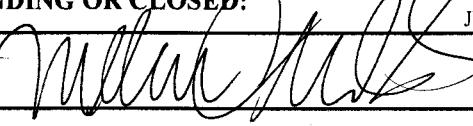
V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 3205—Garnishment

Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** 2,379,476.00 CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S)** (See instructions)
PENDING OR CLOSED: _____ **JUDGE** Reed O'Connor **DOCKET NUMBER** 3:11-cr-324-01DATE  SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____